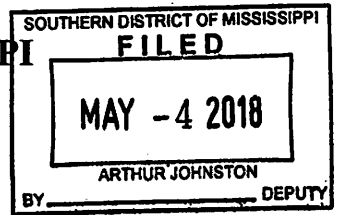


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

v.

CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY &
DANIEL ABEL, D/B/A/ TROUT POINT
LODGE LTD OF NOVA SCOTIA & IN
THEIR INDIVIIDUAL CAPACITIES
PROGRESS MEDIA GROUP LIMITED,
MARILYN SMULDERS, & ASHOKA

**REBUTTAL OF DEFENDANT LEARY'S OPPOSITION (ECF 224)
TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT
(ECF 218)**

Plaintiff Douglas Handshoe respectfully submits this rebuttal of Defendant Charles Leary's opposition (ECF # 224) to Plaintiff's Motion for Partial Summary Judgment (ECF #218) and will show that the Plaintiff's Motion should be well taken and granted.

Defendant Leary posits a bewildering array of arguments in his opposition such as purposely conflating the owner of the Slabbed website with instant Plaintiff, maintaining he was not engaging United States law when Leary's own evidentiary submissions of emails to him from YouTube specifically mention the United States law under which he was acting (*See* ECF #219-14 for such an example) and

attempting to mislead the Court by arguing his March 27, 2016 Archive.org screen capture of the May 6, 2013 Slabbed website (*See* Leary Declaration, ECF 228, Page 3, Item 21.) did not contain a Creative Commons License notice when such is clearly discernable in Leary's own exhibit attached to his declaration (*See* ECF 228-7, page 3 of 4). Plaintiff respectfully submits that Defendant Leary's opposition is riddled with such fundamental contradiction and error.

Additionally, the Court should disregard Leary's Opposition because it was filed out of time, despite the fact Mr. Leary had previously obtained an unopposed 14-day extension of time to file it from the Court.

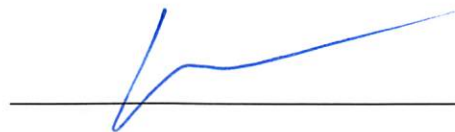
Further, the Court should disregard Mr. Leary's Opposition because it does not comply with the basic requirements contained in L.U. Civ. R. 11, which requires, "All documents filed and signed by a party not represented by an attorney must contain the party's name, **address, telephone number**, fax number, and e-mail address." Upon knowledge and belief, Plaintiff respectfully submits Mr. Leary is not including this information on his publicly available Court filings as he is evading several unpaid creditors of Trout Point Lodge in Canada, as well as to provide a ready-made excuse for claiming he was not properly noticed of Court proceedings here in the United States.

Most notably in his opposition, is that Mr. Leary does not deny his failure to consider fair use before sending the DMCA Takedown notice involving the

noncommercially displayed creative work that is owned by Slabbed New Media, LLC, hosted by a United States domiciled Interactive Service Provider and registered in the United States Copyright office. Mr. Leary never owned the creative video work at controversy nor did Leary ever sue the rightful owner, Slabbed New Media, LLC, for Copyright Infringement in Canada. Therefore Mr. Leary's Canadian judgment, which has since been auctioned off on the steps of the Stone County Courthouse, is worthless to any analysis of his willful violation of United States law by submitting a misrepresented DCMA Takedown Notice to YouTube which failed to consider fair use.

These matters are more fully discussed in the accompanying Memorandum that is contemporaneously filed with this rebuttal.

Respectfully submitted this 4th day of May, 2018,




Plaintiff
Douglas Handshoe
Post Office Box 788
110 Hall Street
Wiggins, MS 39577
(601) 928-5380
earning04@gmail.com

CERTIFICATE OF SERVICE

I, Douglas Handshoe, hereby certify that on May 4, 2018 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

I, Douglas Handshoe, hereby certify that on May 4, 2018, I mailed the foregoing to Charles Leary at 308 5th Ave E, Vancouver, BC V5T 1H4 Canada.

Respectfully submitted this 4th day of May, 2018,



Douglas Handshoe
Post Office Box 788
110 Hall Street
Wiggins, MS 39577
(601) 928-5380
earning04@gmail.com